

JUDGE DONOVAN'S TRIAL PROCEDURES

When the judge sets a case for trial, counsel normally must prepare and lodge a proposed scheduling order. If the case is to be tried based on written declarations, the judge will prepare the scheduling order with full details about trial procedures. Trial dates will be adhered to strictly. Requests for continuances are discouraged unless the request is accompanied by a very good explanation.

The judge normally schedules several cases for trial one week per month, starting at 9 a.m. on Monday of the trial week (or Tuesday if Monday is a holiday).

The court will contact counsel the week before the scheduled trial date to determine whether the case has settled (or is going to settle) or the prospects that the case will be tried and, if the latter, counsels' current trial time estimates. If you reach a settlement, please let us know promptly at (213) 894-1577. Written stipulations and proposed orders must be filed at least two court days before the trial date or personal appearance will be required at the time set for trial.

If possible, the judge will furnish counsel with a more definite starting date and time for the trial. The first trial of the week will begin promptly on Monday morning. As to cases that will be tried on Monday morning, counsel will be advised by the preceding Friday, and counsel and witnesses for such cases should be present on Monday morning at 9 a.m. The court expects counsel and witnesses to be available on 2-3 hours telephone notice for the remainder of the week.

Trial exhibits and deposition transcripts should be marked in advance. Please follow the local rules carefully and prepare at least four exhibits sets (for counsel, opposing counsel, the court, and the witness). If the exhibits are longer than 10 pages, they should be assembled in binders and tabbed (with exhibit numbers for the plaintiff and letters for the defendant). An exhibit register also should be prepared, following the local rules.

All trial briefs and proposed findings and conclusions should be filed and served not less than one calendar week in advance of the trial date, with conformed courtesy copies furnished to chambers.

Opening statements are welcome (but usually are not necessary). Counsel should be prepared to complete closing argument as soon as the parties have rested. Post-trial briefs seldom are requested by the court, or allowed.

12/15/03